

REMARKS

The Office Action mailed July 21, 2005, has been received and the Examiner's comments carefully reviewed. Claim 38 has been editorially revised. New independent claim 43 and new dependent claims 44-50 that depend from claim 43 have been added. No new matter has been added. Claims 20-27 and 29-50 are pending. Favorable reconsideration of this application is requested in view of the following remarks.

Claim Rejections - 35 USC § 112

In the Office Action, claim 38 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action states that the first and second portions in claim 38 are said to be spaced apart and that this is ambiguous since they are disclosed as being immediately adjacent. The Applicant respectfully traverses this rejection. However, for clarification purposes and in order to expedite the prosecution of this application, the term "spaced" has been replaced with the term "positioned" as seen in the Amendments to the Claims section of this paper. Thus, withdrawal of the 35 U.S.C. Section 112 rejection is respectfully requested.

Claim Rejections - 35 USC § 103

In the Office Action, claims 20, 21, 23-27, 29-31, and 33-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German 19537190 (German '190). The Applicant respectfully traverses this rejection.

Independent claims 20, 29, and 38 all recite a blind having vertical slats that define first and second faces, wherein the second face is aligned vertically below the first face. The first face is configured to transmit substantially no light while providing substantially no visibility and the second face is configured to at least partially transmit light while providing visibility. The structure of the vertical slats makes it possible to reduce the amount of light coming into a room by blocking light through the first, upper oriented face while still providing visibility through the second, lower oriented face. The claimed blind structure addresses the problem of high incident light in a workspace that typically affects, for example, a person's ability to view a

computer screen (see page 1, paragraph 4 of the present application) by subduing incident light that would otherwise enter the workspace through an upper portion of a window associated with the blind while still providing some visibility outside for workers in the workspace through a lower portion of the window to prevent physical and mental strains of being alienated from the outside world for an extended period of time (please see page 1, paragraph 4 and page 2, paragraph 2 of the present application).

The Office Action states that while the upper portion in German '190 is the light transmitting portion and the lower portion is the light blocking portion, which differs from the presently claimed device, one of ordinary skill in the art faced with the Applicant's problem of blocking light at the top of the blind and permitting light through the bottom of the blind would have simply reversed the arrangement of these two portions in German '190 to come up with the Applicant's invention of claims 20, 29, and 38. The Applicant respectfully disagrees with this position taken in the Office Action.

There is absolutely no motivation or suggestion to modify the blind configuration disclosed in German '190 to come up with the Applicant's configuration. German '190 is directed to solving a different problem and aims to shield the part of the room close to the window from blinding direct sunlight, while at the same time, yielding a natural illumination of the rest (rear part) of the room. Please see column 1, lines 26-32 and lines 39-45 of German '190. One of ordinary skill in the art looking at the disclosure of German '190 would have had no motivation to reverse the blind configuration in German '190 since one in the art, based on the reasoning of German '190, would expect that mounting the blind with the transparent portion as the lower portion would provide undesired contrast light and blinding light near the window (especially art workplaces with computer screens) and overly darken the rear part of the room. Any motivation to do so is clearly not provided by German '190 and would have only been provided by hindsight, looking at the Applicant's own specification and discussion of the problem.

The prior art must provide a motivation or reason for the worker in the art, without the benefit of the Applicant's specification, to make the necessary changes to the referenced device. See ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

(MPEP 2144.04). In the present case, not only is there no motivation provided in German '190 for the structure taught by the Applicant's claims without the benefit of the Applicant's own specification, the problem of preventing mental and physical strain of workers from a lack of the outside view of the world in workspaces would not have been encountered and focused on without looking at the Applicant's own disclosure. Thus, the Applicant's solution of providing a blind defining first and second faces, wherein the second face is aligned vertically below the first face and wherein the first face is configured to transmit substantially no light while providing substantially no visibility and the second face is configured to at least partially transmit light while providing visibility to provide workers with a view of the outside world to prevent mental and physical strain would not have been strived for without the benefit of the Applicant's disclosure.

Moreover, German '190 provides no motivation or suggestion to reverse its configuration so that German '190 clearly teaches away from the configuration claimed by the Applicant. German '190 provides several examples of the positive effects its blind configuration. For example, on page 2 of the English translation of German '190, it is stated, "a further positive effect of divided vertical blind slats is the protection from people looking in. For instance in banks or general practitioners' offices, the blinds can be closed further than heretofore, to make it more difficult to look in from the outside, or to prevent the same." Also, on page 5 of the English translation, German '190 states, "In the schematic presentation in Fig. 2, the assumption was that the lower part 14 of the slats 10, in closed position, to a large extent reflects the sunlight 28 incident from the outside, whilst the upper part 12 of the slats 10, as indicated at 30, allows a part of the sun rays 28 to pass into the interior space. The penetrating rays 30, however, are above head level, at least adjacent the window, where in the example a screen workplace 32 is situated, and hence do not entail any disturbance at the workplace but do afford a natural lighting of the room as a whole.

This teaching is clearly in sharp contrast to the Applicant's invention wherein the lower part of the window is specifically designed to penetrate light and give workers a view of the outside world.

In view of the above, the Applicant respectfully submits that German '190 fails to disclose or suggest or to provide sufficient motivation for one of ordinary skill in the art to completely reverse its blind configuration and to create a blind having features of claims 20, 29, and 38. Furthermore, German '190 clearly teaches away from applicant's blind configuration featured in claims 20, 29, and 38. German '190 discloses a different structure having different functions that addresses different problems than those addressed by the features of claims 20, 29 and 38. Reversing the blind configuration in German '190 to provide for a blind that has a transparent lower face and a non-transparent upper face would defeat the purpose stated in German '190 of preventing high incident light in a workspace that would affect a person's ability to view their computer screen and providing visual security by blocking visibility through the lower part of the blind. Therefore, the Applicant respectfully submits that claims 20, 29, and 38 and their dependent claims are not obvious and are patentable over German '190 and withdrawal of this rejection is respectfully requested.

In the Office Action, claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 as applied above, and further in view of Levert. The Applicant respectfully traverses this rejection. As stated above, German '190 fails to disclose or suggest every limitation of claim 20. Levert fails to remedy the deficiencies of German '190 as it relates to claim 20. Therefore, claim 22 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 32 and 39-42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German '190 in view of Johnson et al. The Applicant respectfully traverses this rejection. As stated above, German '190 fails to disclose or suggest every limitation of claim 29. Johnson et al. fails to remedy the deficiencies of German '190 as it relates to claim 29. Therefore, claim 32 is allowable for at least the reason it is dependent upon an allowable base claim. The Applicant does not otherwise concede the correctness of this rejection.

As also stated above, German '190 fails to disclose or suggest every limitation of claim 38. Johnson et al. fails to remedy the deficiencies of German '190 as it relates to claim 38. Therefore, claims 39-42 are allowable for at least the reason they are dependent upon an allowable base claim. The Applicant also does not otherwise concede the correctness of this rejection.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

New Claims

New independent claim 43 and new dependent claims 44-50 that depend from claim 43 have been added. Claims 43-50 track the limitations of previously presented claims 20-27. The Applicant submits that the art of record fails to disclose or suggest "a first face comprising a first portion transmitting substantially no light and a second face comprising a second portion partially transmitting light, the second face subduing incident light such that a person present at his workplace in an inner space provided with the window decoration can look outside through the second face, wherein the first face is located above the second face," as required by claim 43 and the claims that depend from it.

The Applicant requests consideration and allowance of new claims 43-50.

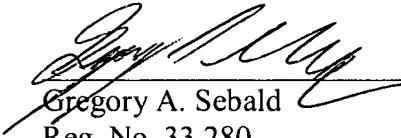
It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. The Applicant reserves the right to raise these arguments in the future. The Examiner is invited to contact the Applicant's representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Respectfully submitted,

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